

SUPERIOR COURT IN THE STATE OF CALIFORNIA
COUNTY OF YOLO

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,

Case CR-F -08-0003355

vs.

MINUTE ORDER

MARCO ANTONIO TOPETE
Defendant.

Judge: PAUL K. RICHARSON
Clerk: JENNIFER HICKS
Reporter: KERI CRITTENTON
Date: JANUARY 15, 2010

HEARING: STATUS CONFERENCE REVIEW

Counsel for the People: JEFF REISIG, DISTRICT ATTORNEY
GARRETT HAMILTON, DEPUTY DISTRICT ATTORNEY

Counsel for Defendant(s): HAYES GABLE, III
THOMAS PURTELL

1:33 PM

Defendant and counsel present in open court and ready to proceed.

The Court inquired if counsel had any corrections they would like made to the transcript from the court proceedings on November 25, 2009.

Counsel for the People, Garrett Hamilton stated that he had not reviewed the transcript for corrections.

Counsel for the defendant, Hayes Gable stated that they are prepared to submit on the supplemental pre-trial discovery compliance motion that was filed.

Counsel for the People, Mr. Hamilton also submitted.

The Court ruled as follows: As to request #3, the Court granted the request within the scope of Penal Code section 1054.1(f) and under the authority of Roland (124 Cal.App.4th 154). The

Court denied request #5, #7 and #9 as defense failed to cite authority requiring disclosure, unless exculpatory. The Court also denied request #10 as the defense failed to cite authority requiring disclosure, unless exculpatory, but the Court granted the request insofar as materials are expressly required under Penal Code section 1054.1(f).

The Court inquired if counsel had had the opportunity to meet and discuss a briefing and motion schedule.

Defense counsel, Mr. Gable stated that they had not.

Mr. Gable stated that a hearing would be requested for next month. He stated the defense intends to file motions between now and the next court date. The motions would include a motion to suppress the defendant's statement and a motion for discovery information regarding factors in aggravation.

Mr. Gable updated the Court on the status of his capital case in Sacramento County. He stated it is expected to go into the month of May. Mr. Gable advised the Court that he will most likely be asking for a continuance in this case, in the future.

The Court and counsel discussed a scheduling date for the motions to be heard in February as well as the length of the suppression motion. Mr. Gable indicated that it may be an all day hearing.

The Court set the next court date for February 26, 2010 at 8:30 am in Department 6.

Mr. Hamilton inquired of the defense if they intend to file a change of venue motion.

Mr. Gable stated that his venue expert recently had to undergo surgery and therefore the defense is unsure when the expert will complete his media analysis, but that his witness is back at work. Mr. Gable stated that he would not be able to have a briefing schedule set until the expert has more information.

The Court asked that Mr. Gable inform the Court regarding the change of venue motion at the next court date.

Counsel for the People, Jeff Reisig inquired if defense counsel will be filing a motion about the composition of the Grand Jury.

Defense counsel, Thomas Purtell stated that he is also waiting for more information before submitting that motion.

The Court asked defense counsel to provide that information at the next court date as well.

Mr. Purtell stated that the Court could expect a change of venue motion.

Mr. Purtell advised the Court that the appropriate safety issues had not been in place for the

transportation of the defendant. Mr. Purtell informed the Court that the defense will be meeting with the Sheriff's Department about that issue.

The Court set a briefing schedule for the motion to suppress and the discovery motion regarding the prosecution's factors in aggravation. Defense counsel is to file their opening briefs by January 29, 2010. The People's replies are to be filed by February 11, 2010. Defense counsel's closing briefs are to be filed by February 19, 2010.

The matter is continued to FEBRUARY 26, 2010 at 8:30 AM in DEPARTMENT 6.

The defendant remained in custody with bail set at No Bail.

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Court adjourned.

frmlmins.s (FMO)